IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.107 OF 2005
IN
WRIT PETITON NO.2321 OF 2000

M/s.Nazareth Metals ..Petitioner.

V/s.

Union ofIndia & Ors. ..Respondents.

Mr.Basil Menezes for petitioner.

Mr.R.V.Desai, senior counsel with P.S.Jetly for respondents.

CORAM : S.RADHAKRISHNAN AND J.P.DEVADHAR, JJ.

DATED : 10TH MARCH, 2005.

P.C. :-

1. Heard the learned counsel for the petitioner and respondents. By this Notice of Motion, the petitioner is seeking recall the order dated 23rd February, 2005 whereby the above petition was dismissed in default. Perused the affidavit filed in support of the Notice of Motion. For the reasons stated in the affidavit, sufficient cause is made out for recall our order dated 23rd February, 2005. There is no case of inaction, negligence or want of bona fide on the part of the petitioner. Hence Notice of Motion is made absolutely in terms of prayer clause 1 of the Notice of Motion.

2. Notice of Motion is disposed of accordingly.

3. Petition to be placed on board for final hearing on 6th April, 2005.

(S.RADHAKRISHNAN, J.)

(J.P. DEVADHAR, J.)